

SYLLABUS

Comparative Private International Law

Pr. Laurence USUNIER

24 hours (12 classes of 2 hours each)

Description of the course

The course provides law students with an introduction to private international law in a comparative perspective. It focuses on two key issues raised by private international relationships (choice of court and choice of law) and on the study of four major legal systems (England and Wales, the U.S., France and the European Union).

Objectives

This Module aims to help the student:

- Understand the legal problems raised by the international relations of individuals and companies
- Become familiar with the principles helping to solve these problems in common law and in civil law systems
- Analyze and assess critically courts decisions in this field of the law

Development of Skills Base

A successful candidate on this Module should:

- Possess a firm knowledge and understanding of Private International Law
- Be able to evaluate critically new developments in this area
- Be capable of utilising a full range of learning and research resources

Course content

Part 1: The international jurisdiction of courts

1. Jurisdiction rules and heads of jurisdiction
2. Declining Jurisdiction: Forum non conveniens and parallel proceedings
3. Choice-of-court agreements
4. Anti-suit injunctions

Part 2: Choice of law

5. Territorialism v. personalism
6. Unilateralism v. bilateralism
7. Rigidity v. flexibility
8. Party autonomy

Mode of assessment

Oral examination at the end of the term. Attendance and participation at classes may also be taken into consideration as a bonus for students that were active all along the semester.

Bibliography

- B. Audit & L. d'Avout, *Droit international privé*, 9th ed., LGDJ, 2022
- P. J. Borchers, *Conflicts in a nutshell*, 5th ed., West Publishers, 2020
- A. Briggs, *The Conflict of laws*, 5th ed., Oxford University Press, 2024
- A. Briggs, *Private International Law in English Courts*, 2nd ed., Oxford University Press, 2023
- D. Bureau & H. Muir Watt, *Droit international privé*, 5th ed., PUF, 2021
- L. Collins (ed.), *Dicey, Morris and Collins on the Conflict of Laws*, 16th ed., Sweet & Maxwell, 2022
- B. Haftel, *Droit international privé*, 3rd ed., Dalloz, 2023
- M.-L. Niboyet, G. de Geouffre de la Pradelle & S. Fulli-Lemaire, *Droit international privé*, 8th ed., LGDJ, 2023
- P. de Vareilles-Sommières & S. Laval, *Droit international privé*, 11th ed., Dalloz, 2023